



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 16 2005

REPLY TO THE ATTENTION OF
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Wanda Schumacher, President
Del's Metal Company
1605 1st Street
P.O. Box 3586
Rock Island, Illinois 61204-3586

**Re: Finding of Violation, Del's Metal Company, Rock Island,
Illinois**

Dear Mrs. Schumacher:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Finding of Violation (FOV) to Del's Metal Company (you). We find that you have violated Section 112 of the Clean Air Act, 42 U.S.C. § 7412, at your Rock Island, Illinois, facility.

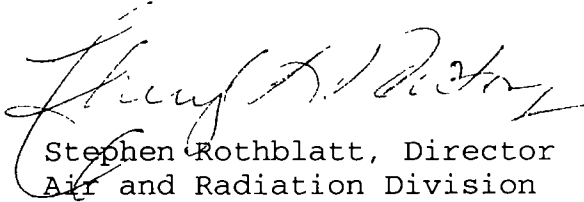
We have several enforcement options under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to achieve and demonstrate continuous compliance with the rules cited in the FOV.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The U.S. EPA contact in this matter is Tanya Boomer. You may call her at (312) 353-4145 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,



Stephen Rothblatt, Director
Air and Radiation Division

Enclosure

cc: Julie Armitage, Acting Section Manager
Compliance and Systems Management Section
Bureau of Air
Illinois Environmental Protection Agency

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
Del's Metal Company)	FINDING OF VIOLATION
Rock Island, Illinois)	
)	EPA-05-06-IL-07
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	

FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA) finds that Del's Metal Company (Del's) is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, Del's is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) General Provisions at 40 C.F.R. Part 63, Subpart A (Subpart A) and the NESHAP for Secondary Aluminum Production at 40 C.F.R. Part 63, Subpart RRR (Subpart RRR) as follows:

Regulatory Authority

1. Subpart RRR, at 40 C.F.R. § 63.1500, applies to the owner or operator of each secondary aluminum production facility as defined in § 63.1503.
2. Subpart RRR, at 40 C.F.R. § 63.1503, defines a sweat furnace as a furnace used exclusively to reclaim aluminum from scrap that contains substantial quantities of iron by using heat to separate the low-melting point aluminum from the scrap while the higher melting-point iron remains in solid form.

**Requirements for Emission Limitation
and Compliance Performance Testing**

3. Subpart RRR, at 40 C.F.R. § 63.1505(a), requires an owner or operator of a new or existing affected source to comply with each applicable limit in this section.
4. Subpart RRR, at 40 C.F.R. § 63.1505(f), specifies that the owner or operator of a sweat furnace shall comply with the

emission standard of paragraph (f)(2) of this section, which specifies that on and after March 24, 2003, the compliance date established by 40 C.F.R. § 63.1501, the owner or operator of a sweat furnace at a secondary aluminum production facility that is a major or area source must not discharge or cause to be discharged to the atmosphere emissions in excess of 0.80 nanogram of D/F [dioxins/furans] TEQ per dscm (3.5×10^{-10} gr per dscf) at 11 percent oxygen. This section also indicates that compliance with the standard shall be demonstrated through a performance test.

5. Subpart RRR, at 40 C.F.R. § 63.1511(a), specifies that the owner/operator must submit a site-specific test plan prior to conducting any performance testing.
6. Subpart RRR, at 40 C.F.R. § 63.1511(b), specifies that the owner or operator of any existing affected source for which an initial performance test is required to demonstrate compliance must conduct this initial performance test no later than March 24, 2003, the date for compliance established by 40 C.F.R. § 63.1501(a).
7. Subpart RRR, at 40 C.F.R. § 63.1512(f), specifies that except as provided in 40 C.F.R. § 63.1505(f)(1), the owner or operator of a sweat furnace must measure emissions of D/F from each sweat furnace at the outlet of the control device.

**Requirements for Operation of a Sweat Furnace
with an Afterburner**

8. Although Subpart RRR, at 40 C.F.R. § 63.1505(f), requires the owner or operator of a sweat furnace to comply with the emission standard of paragraph (f)(2) of this section, and conduct a performance test to demonstrate compliance with the standard, Subpart RRR at 40 C.F.R. § 63.1505(f)(1) provides that the owner or operator is not required to conduct a performance test to demonstrate compliance with the emission standard of paragraph (f)(2) of this section provided that, on and after the compliance date of this rule, the owner or operator operates and maintains an afterburner with a design residence time of 0.8 seconds or greater and an operating temperature of 1600°F or greater.

Requirements for Monitoring of Sweat Furnaces

9. Subpart RRR, at 40 C.F.R. § 63.1510(a), specifies that on and after the compliance date established by 40 C.F.R. § 63.1501, the owner or operator of a new or existing

affected source or emission unit must monitor all control equipment and processes according to the requirements in 40 C.F.R. § 63.1510.

10. Subpart RRR, at 40 C.F.R. § 63.1510(b), specifies that the owner or operator must prepare and implement for each new or existing affected source and emission unit, a written operation, maintenance, and monitoring plan, which must be submitted to the permitting authority by the compliance date established by 40 C.F.R. § 63.1501(a) and must include the information specified by 40 C.F.R. § 63.1510(b).

Other Requirements for Owners or Operators of Sweat Furnaces

11. Subpart RRR, at 40 C.F.R. § 63.1515(b), specifies that each owner or operator of an existing affected source must submit a notification of compliance status report within 60 days after the compliance date established by 40 C.F.R. § 63.1501(a), according to the requirements of this section.
12. Subpart RRR, at 40 C.F.R. § 63.1516(a), specifies that each owner or operator must develop and implement a written plan as described in this section and 40 C.F.R. § 63.6(e)(3), containing specific procedures to be followed for operating and maintaining the source during periods of startup, shutdown, and malfunction, and including corrective actions to address malfunctions.
13. Subpart RRR, at 40 C.F.R. § 63.1517(a), specifies that as required by 40 C.F.R. § 63.10(b), the owner or operator shall maintain files of all information, including all reports and notifications, required by the general provisions of Subpart A and this subpart.
14. Subpart A, at 40 C.F.R. § 63.6(e)(3), specifies that the owner/operator is required to have a startup, shutdown, and malfunction plan on-site that conforms with the requirements of this section.

Del's Facility

15. Del's owns and operates a scrap yard at 1605 1st Street, Rock Island, Illinois, that meets the definition of a Secondary Aluminum Production facility, as defined in Subpart RRR.
16. Del's Rock Island facility is subject to the requirements at 40 C.F.R. Part 63, Subparts A and RRR.

17. Del's Rock Island facility is an existing source, and is, thus, subject to the time frames set forth in 40 C.F.R. § 63.1501.
18. Del's operates two sweat furnaces which are subject to the emissions standards and other requirements of Subpart RRR.
19. Del's operated these sweat furnaces, which are subject to emissions standards, without afterburners.

Violations

Violations Regarding Performance Testing for a Sweat Furnace

20. Del's violated 40 C.F.R. §§ 63.1511(b) when it failed to conduct an initial performance test at its sweat furnace, by March 24, 2003, to demonstrate that it met the emission standard for D/F, as specified in 40 C.F.R. § 63.1505(f)(2).

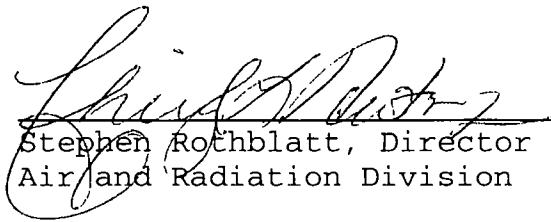
Notification, Reporting, and Recordkeeping Violations

21. Del's violated 40 C.F.R. § 63.1515(b) when it failed to submit a notification of compliance status within 60 days of the March 24, 2003, compliance date.
22. Del's violated 40 C.F.R. § 63.1517(a) when, as required by 40 C.F.R. § 63.10(b), it failed to maintain files of all information, including all reports and notifications, required by the general provisions of Subparts A and RRR.

Violations Regarding Plans

23. Del's violated 40 C.F.R. §§ 63.1510(b), 63.1517(a), and 63.10(b) when it failed to prepare, implement, and maintain a written operation, maintenance, and monitoring plan, as described at 40 C.F.R. § 63.1510(b).
24. Del's violated 40 C.F.R. §§ 63.1516(a), 63.1517(a), and 63.6(e)(3) when it failed to develop, implement, and maintain a written startup, shutdown, and malfunction Plan.

11/16/05
Date


Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-05-06-IL-07, by Certified Mail, Return Receipt Requested, to:

Wanda Schumacher, President
Del's Metal Company
1605 1st Street
P.O. Box 3586
Rock Island, Illinois 61204-3586

I also certify that I sent copies of the Finding of Violation by first class mail to:

Julie Armitage, Acting Section Manager
Compliance and Systems Management Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois, 62072

on the 17th day of November, 2005.

Shanee Rucker
Shanee Rucker, Secretary
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001032000061447 9482